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11 Attorneys for Plaintiff

12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14  
15 ALLIED PROPERTY AND CASUALTY )  
INSURANCE COMPANY, a Foreign )  
16 corporation, individually and as subrogee )  
for its insured Joseph M. Holohan, )

17 Plaintiff,

18 v.

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20 BEAZER HOMES HOLDINGS CORP., a )  
Delaware corporation; THE )  
21 CHAMBERLAIN GROUP, INC. a Illinois )  
corporation; and DOES I through X, )  
22 inclusive, )

23 Defendants. )

Case No.: 2:09-cv-00626JCM-PAL

**ORDER DENYING BEAZER HOMES  
HOLDINGS CORP.'S MOTION FOR  
PARTIAL SUMMARY JUDGMENT  
UPON PLAINTIFF'S TORT CLAIMS  
FOR ECONOMIC DAMAGES AND  
THE CHAMBERLAIN GROUP,  
INC.'S JOINDER THERETO**

Honorable Judge James C. Mahan

24 This matter having come before the Court for re-hearing on November 22, 2010, the Court  
25 having considered the papers and all other evidence on file, including the motion, joinder,  
26 opposition, reply, motion for reconsideration, opposition and reply and all supplements and errata's  
27 thereto, and good cause appearing, rules as follows:  
28

1       **IT IS HEREY ORDERED**, Defendant/Cross-Claimant/Third Party Plaintiff, Beazer  
2 Homes Holdings Corporation's Motion for Partial Summary Judgment Upon Plaintiff's Tort  
3 Claims for Economic Damages, which was joined by The Chamberlain Group, Inc., is **DENIED**  
4 in its entirety, pursuant to the evidence and arguments presented to the Court.

5           DATED this 9<sup>th</sup> day of December, 2010.

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10 HONORABLE JUDGE JAMES C. MAHAN  
UNITED STATES DISTRICT COURT

11 Respectfully submitted,

12 **CARRAWAY & ASSOCIATES, LLC**

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14 By: /s/ James D. Carraway  
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